UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,991	09/13/2000	Dan S. Decasper	004781.P004	7946

		EXAMINER
7590 02/23/2005		LE, HIEU C

Michael J Mallie
Blakely Sokoloff Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 January 2005_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/20/05 has been entered.

2.   The Applicant 's argument filed 1/20/05 have been fully considered but they are moot in

view of new grounds for rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-12, 14, 16-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zhao [US. Pat. No. 6,081,840] in view of Easty et al. [US. Pat. No.

6,490,587].

As to claim 1, Zhao discloses a method comprising:

a first client receiving an indication from a controller that at least one new content

object corresponding to content specified in a profile associated with the first client is to

be downloaded [the local content manager (controller) at the local content server (first

client) determines if the collection (content) being surveyed is stored locally. If not, then

it determines if the usage of the collection of data, not currently residing (i.e., new

content object) at the local server (first client)being used exceeds a maximum threshold

over a predetermined period of time (content specificied in a profile associated with the

local server (first client) and indicate to the local server that the content currently does

not reside (new content) on the local server is being frequently used and it should set

the process in motion to obtain the content (downloaded) (col.9, lines 32-44)];

the first client downloading the content object from the location [the data in the

new subscription is obtained by the local server (first client) from the source server (col.

9, lines 40-45)]; and

intercepting a request from a second client to a web server on a wide area

network (WAN) for the content object and satisfying the request of the second client

with the downloaded content object without sending the request to the web server over

the WAN [a user (second client) sends requests to the local server (second client), (i.e.,

the request is intercepted at the local server) for obtaining content from the source

server (server) the source server is on any network system such as internet or any other

dedicated network (WAN) and the local server (first client) satisfies the requests from

content previously obtained (downloaded from the source server (Fig. 1, items 22, 14,

10, (col. 4, lines 1-28, lines 42-59)] wherein the first and second clients are peer devices

of a local network [Fig. 1, the user 22 (second client), local server 14 (first client) are

computers on a LAN network 18 (peer devices of a local network) (col. 4, lines 29-25)];

Zhao does not disclose,

the first client receiving an indication of a location of the at least one content

object from the controller;

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by periodically indicating the new content on the central server according to content specified in a user's profile in order to selectively provide the client by the new content that meets his preferences.

As to claim 2, Zhao further discloses wherein the location comprises a peer client (Fig. 1)]

As to claim 3, Easty further discloses further comprising the first client sending the profile to the controller (col. 4, lines 19-29);

As to claim 4, Zhao further discloses further comprising building the profile (col. 3, lines 1-38).

As to claim 5, Zhao further discloses wherein building a profile comprises tracking a web site access pattern of an individual (col. 3, lines 9-11, col. 8, lines 57-65, col. 21-23).

As to claim 6, Easty further discloses wherein tracking the access pattern comprises individual tracking web sites a user accesses and the time, the user accesses the web sites individual (col. 4, lines 28-36, col. 5, lines 52-63).

As to claim 7, Easty further discloses wherein tracking the access pattern comprises tracking the frequency of access by the user to the web sites (col. 5, lines 53-55).

As to claim 8, Easty further discloses wherein building a profile comprises using network operation center (NOC) to modify the profile (col. 4, lines 37-63).

As to claim 9, Zhao further discloses wherein using the NOC comprises adding or removing URLs of web sites the user accesses and the time the user accesses the web sites (col. 6, lines 33-39).

As to claim 10, Easty further discloses wherein building a profile comprises a user changing a list of URLs of web sites the user accesses and the time the user accesses the web sites to the profile (col. 4, lines 18-36).

As to claim 11, Zhao further discloses further comprising the controller maintaining a list of web sites and their embedded objects (Fig 4).

As to claim 12, Easty further discloses wherein the list is compiled by updating information from content providers (col. 4, lines 58-65).

As to claim 14, Easty further discloses wherein checking for new content objects comprises subscribing with the controller to get notification automatically of when new content objects are available (col. 4, lines 25-36).

As to claim 16, Easty further discloses further comprising the controller sending a download trigger to the user (col. 5, lines 30-40).

Claim 17 is a broad version of claim 1 and is rejected for the same reasons indicated in claim 1.

As to claim 18, Easty further discloses further comprising sending the profile to a controller that generates the location information (col. 4, lines 19-29).

Claim 19 is an apparatus analogous to the method of claim 1, arguments analogous to those applied to claim 1 are applied to claim 19 is apparatus.

Claim 20 is an apparatus analogous to the method of claim 2, arguments analogous to those applied to claim 2 are applied to claim 20 is apparatus.

Claim 21 is an apparatus analogous to the method of claim 3, arguments analogous to those applied to claim 3 are applied to claim 21 is apparatus.

Claim 22 is an apparatus analogous to the method of claim 4, arguments analogous to those applied to claim 4 are applied to claim 22 is apparatus.

As to claim 23, refer to claim 19 rejection.

5.   Claims 13,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao [US. Pat. No. 6,081,840] in view of Easty et al. [US. Pat. No. 6,490,587] as applied to claims 1 and 17 above and further in view of Reisman et al. [US. Pat. No. 6,658,464].

As to claim 13, neither Zhao nor Easty discloses wherein the list is compiled by: crawling web sites; and analyzing results of the crawling.

Reismain discloses a method for receiving a first data object from one of multiple data sources and automatically prefetching a plurality of additional data objects referenced by the first data object from respective data sources identified by information embeded in the first data object (col. 5, lines 15-24). The search tool crawls across the

Web, like a Web spider to locate and retrieve desired or suitable content based on defined criteria in HTML format (col. 51, lines 1-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Reismain's teaching to modify the combined method of Zhao and Easty by crawling web sites and analyzing results of the crawling in order to organize a search of the web sites involving visits to those web sites, locate and retrieve suitable content, based on defined criteria, in HTML format.
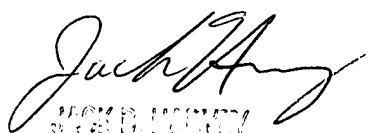
As to claim 15, Reimain further discloses wherein checking for new content objects comprises a user crawling web sites to search for new objects (col. 8, lines 1-65 & col. 51, lines 56-68).

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 306-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER